

25 August 1969

**MEMORANDUM FOR THE RECORD**

**SUBJECT: Conversation with Mr. Jack Matteson, Foreign Operations and Government Information Subcommittee,  
Re Green Beret Case**

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1. This afternoon I called Mr. Jack Matteson, on the staff of Representative John Moss' (D., Calif.) Foreign Operations and Government Information Subcommittee, in response to Matteson's earlier call to [REDACTED] regarding the Green Beret case. Matteson was interested in press reports that the Agency had claimed executive privilege in connection with the military investigation in Saigon, and remarked that this was something that would be of major concern to Representative Moss (now in Sacramento). Having earlier checked with Mr. Houston, I told Matteson that in the present hearings under "Article 32" the witnesses are under no compulsion to answer any particular question, and the matter of executive privilege was irrelevant. I pointed out that the Military Court Martial Manual authorizes heads of agencies to invoke executive privilege where they consider it necessary, but I explained that the Agency had not invoked executive privilege in the present hearings and was fully cooperating with the military authorities in the investigation. I added that at the present time we had no intention of invoking executive privilege.

2. Matteson thanked me for the information but commented that Representative Moss had letters from three Presidents assuring him that executive privilege would be invoked by executive agencies only on the personal authority of the President.

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JOHN M. MAURY  
Legislative Counsel

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